

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 300 of 2021

- M/s Mashiva Steel And Alloys L.L.P. O.P. Jindal Industrial Park, Punjipathra, Raigarh, Tahsil And District Raigarh Chhattisgarh,

---- Appellant.**Versus**

1. Smt. Dhanbai Vishwakarma W/o Late Shri Jayprakash Vishwakarma, Aged About 28 Years Occupation Housewife, R/o Village Sajbahri, Chaitma, House No. 04, Ward No. 08, Tahsil Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh
2. Smt. Fagni Bai, W/o Late Shri Ramayan Prasad Vishwakarma, Aged About 63 Years Occupation Labour, R/o Village Sajbahri, Chaitma, House No. 04, Ward No. 08, Tahsil Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Minor Ku. Sneha Vishwakarma, D/o Late Shri Jayprakash Vishwakarma, Aged About 6 Years Occupation Education, Through Her Mother Smt. Dhanbai Vishwakarma, R/o Village Sajbahri, Chaitma, House No. 04, Ward No. 08, Tahsil Pali, District Korba Chhattisgarh,
4. Minor Ansh Vishwakarma, S/o Late Shri Jayprakash Vishwakarma, Aged About 2 Years Occupation Nil, Through His Mother Smt. Dhanbai Vishwakarma, R/o Village Sajbahri, Chaitma, House No. 04, Ward No. 08, Tahsil Pali, District Korba Chhattisgarh,

---- Respondents

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06.10.2021	Shri S.P.Kale, learned counsel for the appellant. Heard on admission. This appeal is admitted on the following substantial questions of law:- “1) Whether in absence of issuance of notification appointing the learned Court below as Commissioner for Employee's Compensation under Section 20 of the Employee's Compensation Act, 1923, the award impugned as passed by it could be held to be sustainable in the eye of law?

2) Whether the learned Court below has committed an illegality in misinterpreting the notification issued on 03.01.2020 under Section 4 (1-B) of the Employee's Compensation Act, 1923 by determining the amount of compensation while taking into consideration the monthly wages of the deceased at Rs.15,000/- without taking note of clause (a) of Section 5 of the Employee's Compensation Act, 1923, particularly, when monthly wages of him was found to be much less than that of the said wages?

Issue notice to the respondents, on payment of P.F. as per rules.

Also heard on I.A.No.01/2021, an application for grant of stay.

Issue notice of this application also to the respondents, as above.

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the award impugned in so far as subject amount under this appeal, i.e., Rs.6,46,938/- is concerned, the same shall remain stayed till the next date of hearing.

In view of above, the application marked as I.A.No.02/2021 praying for additional proposal of substantial questions of law is hereby disposed of.

Post this matter after 5 weeks, for consideration on I.A.No.01/2021.

Sd/-
(**Sanjay S. Agrawal**)
Judge